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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,017	09/18/2003	Yves Gaignet	MCA-579	7951
7590	11/03/2005		EXAMINER	
Kevin S. Lemack Nields & Lemack Suite 7 176 E. Main Street Westboro, MA 01581			KURTZ, BENJAMIN M	
			ART UNIT	PAPER NUMBER
			1723	
DATE MAILED: 11/03/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,017	GAIGNET ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Benjamin Kurtz	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
  - 4a) Of the above claim(s) 6-23 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 9-18-2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>11/19/2003</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

2. Claims 6-23 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Brown et al. (4990248). Brown discloses a cylindrical container (figure 1 and column 3 lines 56-57) with fluid inlet and outlet orifices at the first of one of its axial ends (column 2 lines 55-62 and figure 1). Brown also discloses a pretreatment means within the cylindrical container (fig 5 #72 and column 2 lines 32-33). Brown discloses the treatment means being a cartridge including one or more selectively permeable membranes (figure 2 #11 and column 4 lines 6-17). Brown also discloses a separator means dividing the container into internal and external cylindrical spaces consisting of an impermeable barrier layer that surrounds the outer surface of the membrane. The impermeable barrier layer performs the identical function in substantially the same way with substantially the same result as the cylindrical wall, cylindrical skirt and the ring disclosed in the application. The impermeable barrier layer divides the container into two distinct cylindrical spaces that extend from the bottom of the container to the top therefore preventing fluid from bypassing the outer pretreatment as well as providing a flow path for the fluid (figure 2 #15 and column 7 lines 32-42). Brown also discloses that the two cylindrical spaces communicate with one another via one or more passages at the second axial end of the container (figure 5 #74 and column 7 lines 60-65). Brown also discloses that the pretreatment means are housed in the external space and the treatment means are housed in the internal space (column 7 lines 32-34 and figure 5 pretreatment #72, treatment #70). Brown also discloses the external cylindrical space communicating with an inlet orifice at the first axial end of the container (figure 5 #54 and column 10 lines 44-49). Brown also discloses the internal cylindrical space

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communicating separately with two outlet orifices at the first axial end of the container (figure 5 #56 and #58 and column 10 line 65 - column 11 line 3 and column 10 lines 52-64).

4. Referring to claim 2 Brown discloses that the cartridge is a reverse osmosis filtration cartridge (column 2 lines 43-44 and column 3 lines 50-56).

5. Referring the claim 3 Brown discloses that the reverse osmosis cartridge including a cylindrical enclosure (column 12 lines 48-50), a hollow perforated central tube that shares the axis of the cylindrical container (figure 5 and column 5 lines 42-49), and one or more selectively permeable reverse osmosis treatment membranes (column 5 lines 42-44 and column 4 lines 6-16). Brown also discloses that the membrane communicates with the central tube to collect the permeate (column 4 lines 20-23) and that the membrane communicates with the fluid from the pretreatment means and with the outflow of retentate at the exterior of the reverse osmosis membrane via the annular faces of the cartridge (column 4 lines 26-29).

6. Referring the claim 4 Brown discloses a means for providing a sealed connection between the separator means and the cylindrical enclosure of the reverse osmosis cartridge that is attached to and extends around the cylindrical enclosure. Brown discloses a spoked wheel with a cylindrical rim extension that is joined and sealed to the outside of the barrier layer (the outer surface of the reverse osmosis membrane). The spoked wheel performs the identical function in substantially the same way with substantially the same result as the sleeve with an extended annular seal as disclosed

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in the application. Both means provide a seal that prevents the inlet fluid from bypassing the pretreatment means.

7. Referring the claim 5 Brown discloses the pretreatment means as chosen from the group comprising activated charcoal, polyphosphates and frontal filtration elements (column 8 line 53 – column 9 line 52).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Menon et al. (4992170), Whittier et al. 5078876.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Kurtz whose telephone number is 571-272-8211. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bk

  
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